

VINCENT F. O'HARA  
WILLIAM P. HOLM\*  
MICHAEL L. LANDSMAN  
CAROL G. DELL

ABBEY M. GRUBER†  
MARION M. LIM  
VALERIA A. KOZHICH

\* ALSO ADMITTED IN CT  
† ALSO ADMITTED IN NJ

HOLM & O'HARA LLP  
ATTORNEYS AT LAW  
3 WEST 35TH STREET  
NEW YORK, NEW YORK 10001-2204  
(212) 682-2280  
FAX (212) 682-2153  
www.holmandohara.com

CONNECTICUT OFFICE  
73 MAIN STREET  
P.O. BOX 215  
SHARON, CT 06069  
(860) 364-0627



March 7, 2008

Ira S. Cure, Esq.  
Broach & Stulberg, LLP  
One Penn Plaza  
Suite 2016  
New York, New York 10119

Re: *Cruise v. Doyle*  
07-CV-3940 (Pauley, J.)(Pitman, M.J.)  
Our File No. 4422.001

Dear Mr. Cure:

Defendants MTA Metro-North Railroad ("Metro-North") and the Association of Commuter Rail Employees, Local Division 9 ("ACRE") write jointly to demand that Plaintiffs voluntarily withdraw Plaintiffs' First Cause of Action in their Amended Complaint (specifically paragraphs "52" through "58").

Plaintiffs First Cause of Action in their Amended Complaint fails to make any new and/or different allegations with respect to the allegations contained in the original Complaint. The Court's January 9, 2008 Order (as amended on January 11, 2008) dismisses the Plaintiffs Complaint for failure to plead within the appropriate statute of limitations. Although the Order grants Plaintiffs the right to replead, Plaintiffs are not entitled to replead a cause of action which was plead in the original Complaint and subsequently dismissed by the Court.

Therefore, Metro-North and ACRE jointly demand that Plaintiffs voluntarily withdraw their First Cause of Action contained in paragraphs "52" through "58" of the Amended Complaint.

Ira S. Cure, Esq.  
March 7, 2008  
Page 2 of 2

Thank you for your courtesy and cooperation in this matter.

Very truly yours,



Marion M. Lim

cc: Amy F. Shulman, Esq.  
Frank Rinaldi, Esq.  
Michael Doyle

L:\VFO\ACRE\4422\4422.001\Letters\Cure-09.coa1.doc

## HOLM & O'HARA LLP

Attorneys at Law  
3 West 35<sup>th</sup> Street, 9<sup>th</sup> Floor  
New York, New York 10001  
Telephone: (212) 682-2280  
Facsimile: (212) 682-2153

### FAX TRANSMITTAL COVER SHEET

Please deliver the following page(s) to:

Name: **Louie Nikolaidis**

Firm:

Recipient's Fax No.: **(212) 419-1510**

From: **Marion M. Lim, Esq.**

Date: **March 12, 2008**

Client Matter No.: **4422.001**

Time: **4:15 p.m.**

Client Matter Name: ***Cruise v. Doyle***

Total number of pages including this cover sheet: **3**

Message: Pursuant to my voicemail, attached please find a copy of the letter addressed to Mr. Ira Cure, Esq. regarding *Cruise v. Doyle*, which is now being sent to your attention as counsel for Plaintiffs in this matter. Thank you.

IMPORTANT NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE BY THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO THE ABOVE ADDRESS VIA REGULAR POSTAL SERVICE AT OUR EXPENSE. THANK YOU.

**IF YOU EXPERIENCE ANY DIFFICULTIES IN RECEIVING THIS  
DOCUMENT, PLEASE CALL US AT THE ABOVE NUMBER.**

TRANSMISSION VERIFICATION REPORT

TIME : 03/12/2008 15:11  
NAME : HOLM & O'HARA LLP  
FAX : 2126822153  
TEL : 2126822280  
SER.# : BROB3J202710

DATE, TIME	03/12 15:10
FAX NO./NAME	12124191510
DURATION	00:00:56
PAGE(S)	03
RESULT	OK
MODE	STANDARD
	ECM

## HOLM & O'HARA LLP

Attorneys at Law  
3 West 35<sup>th</sup> Street, 9<sup>th</sup> Floor  
New York, New York 10001  
Telephone: (212) 682-2280  
Facsimile: (212) 682-2153

### FAX TRANSMITTAL COVER SHEET

Please deliver the following page(s) to:

Name: **Louie Nikolaidis**

Firm:

Recipient's Fax No.: **(212) 419-1510**

From: **Marion M. Lim, Esq.**

Date: **March 12, 2008**

Client Matter No.: **4422.001**

Time: **4:15 p.m.**

Client Matter Name: ***Cruise v. Doyle***

Total number of pages including this cover sheet: **3**

Message: **Pursuant to my voicemail, attached please find a copy of the letter**